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REPORTS, CONCLUSIONS AND RECOMMENDATIONS OF SUBSIDIARY BODIES: HUMAN RIGHTS QUESTIONS

Letter from the Chairperson of the Committee on Economic, Social and Cultural Rights

Note by the Secretariat

The letter, which is reproduced as an annex below, has been circulated at the request of the Chairperson of the Committee on Economic, Social and Cultural Rights.

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Annex

LETTER DATED 13 JANUARY 1997 FROM THE CHAIRPERSON OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS TO THE PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL

I am writing in my capacity as Chairperson of the Committee on Economic, Social and Cultural Rights, established by the Economic and Social Council in resolution 1985/17 to assist it in the monitoring of the International Covenant on Economic, Social and Cultural Rights.

In the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform" (A/51/950) a proposal is put forward for the Council's consideration to the effect that "the Committee on Economic, Social and Cultural Rights [should] report to the Economic and Social Council through the Commission on Human Rights" (para. 135 (f)). The report offers no explanation for this recommendation, although it is my understanding that it was originally linked to another proposal which was not included in the final report.

In practice, this recommendation, if accepted, has the potential to confuse rather than clarify the existing situation. At present, the Committee adopts its annual report to the Council at its session ending in December. The key recommendations are forwarded to the Commission for its information and all of the relevant documentation is publicly available. The final bound version of the report is, however, often not available as a Council document, until some time after the Commission's session has concluded in April, although it is available in time for the Council's summer session. Thus, if the recommendation is formalized, it could have the effect of delaying the Council's consideration of the Committee's annual report for some 18 months after its adoption by the Committee. At the same time, it would assist neither the Commission nor the Council in its efficient consideration of the work of this body.

In addition, the recommendation, if formalized, would have the effect of making the Committee on Economic, Social and Cultural Rights, the only one of the six human rights treaty bodies which must first submit its report to the Commission on Human Rights rather than to the Economic and Social Council or the General Assembly. The consequence of this change would be to put the Committee in an inferior position via-à-vis all of its peers, which again tends to give the impression that economic, social and cultural rights are less important than other human rights.

In order to avoid these pitfalls, the Committee suggests that the Council should not formally mandate the Committee to report through the Commission. Instead the Council should request the Secretary-General to ensure that the report of the Committee is made available to the Commission for its consideration. This would achieve the objective sought by the Secretary-General without imposing any artificial delays or changing the standing of the Committee as an expert subsidiary body of the Council.

Yours sincerely,

Philip ALSTON